

Meeting of 1999-4-13 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
APRIL 13, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:18 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
Richard Williams, Ward Two
Jeff Sadler, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None.

Receive briefing from ASCOG on the new Air Quality Standards established by the Environmental Protection Agency.

Blaine Smith, ASCOG Director, said in 1997 ODEQ established one ozone monitor near the Indian Hospital. Ozone levels are usually higher on hot, sunny days and the highest readings are between 11 a.m. and 7 p.m. when the temperature is over 90 degrees, the winds are light and the skies are clear, such as last summer. The EPA determined that levels exceeding .08 parts per million of ozone are unhealthy, especially for the elderly, those suffering from lung problems, and the very young. Last summer from June 16 to September 9, readings exceeded EPA guidelines for nine days. The fourth highest reading was .085 parts per million and if the fourth highest yearly reading average over a three year period exceeds .08 parts per million, EPA can declare the area to be in nonattainment. EPA has only two categories, either attainment or non-attainment. In addition to public health concerns, non-attainment status can result in requirements to take more expensive measures that are detractors to economic development.

Smith said we want to seize the opportunity early while we are so close to passing the test and keeping our air healthy every day; second, we recognize that this is a regional challenge and not just a Lawton problem. Ozone does not start or stop at the City limits. The rule of thumb is to encompass an area with a 25 mile radius from the monitoring station, which will include Fort Sill, Lawton, 12 other communities and portions of five counties in the ASCOG area.

Smith said the working group of the Environmental Partnership Committee, formed five years ago by Lawton, Fort Sill, and Comanche County, has developed a clean air program. The program will be guided by a Clean Air Committee comprised of the Environmental Partnership Committee representatives, the Lawton Chamber of Commerce and others, and be staffed by ASCOG. ODEQ will advise ASCOG the day prior to an expected high ozone level day. ASCOG will notify the media, local governments and others by FAX by 3 p.m. and excellent support and participation are expected by the media. Everyone will be encouraged to take those voluntary, no cost, although perhaps inconvenient, measures to reduce the expected high ozone level. Some of those measures are limiting driving by car pooling, walking or bicycling; only refueling the car after the sun goes down or after 7 p.m. and not idling the car; do not mow the lawn or use two-cycle engines during the bad time of day; do not use oil based paints, solvents or cleaners, and conserve energy in your house. The Clean Air Committee will monitor actions being taken, make revisions to the program as required, and encourage other educational efforts through civic clubs and schools. The Committee is open to anyone wanting to participate, and input is being sought. Additional information will be distributed to Council after the meeting.

Shanklin asked how cities such as Los Angeles and Houston deal with this problem. Smith said those cities are probably at .14 or .15 and they have implemented some of the measures, but according to EPA, it may be almost impossible to handle some of those larger areas. Mayor Powell said the State of Texas is seriously considering legislation to perhaps shut down some of the old factories in the Southeast part of the state involved with gas and oil that have high emissions.

Sadler asked if trees or plants help clean the air. Smith said he felt it did but that he was not technically qualified to

answer the question; Cameron University plans to get involved and their expertise will be very valuable.

Baker said Lawton was under the .08 the first year of monitoring; the second year it was over, and the concern is about the third year. He said if the third year numbers are bad, it could mean non-attainment. Baker stressed that the program is strictly voluntary and it is a preventive measure. He said there are federal laws that require conversion of some of the fleet vehicles and the budget request includes conversion of three vehicles to an alternate fuel to meet the federal requirements. Baker said he appreciated ASCOGs efforts in this regard.

Doug Brown said regarding areas such as Los Angeles or Dallas, one of the primary factors when you are declared an area of non-attainment is a lot of regulations that are much more strict in things you must comply with and impose very severe, financial penalties to the non-attainment area. He said these would drive up the cost of business and the cost of living in such areas, so it would be helpful to everyone in this area to do what they can to promote lowering of the ozone figures so we can stay in this less regulated state we are in now and avoid any financial penalty later on.

Mayor Powell said several meetings had been held on this subject and there are things that can be done to insure the area remains in compliance.

CONSIDER MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MARCH 23, 1999

MOVED by Shanklin, SECOND by Sadler, for approval of the minutes. AYE: Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin. NAY: None. MOTION CARRIED.

UNFINISHED BUSINESS:

1. Consider the following damage claim recommended for denial: Roy and Pat Joseph. Exhibits: Claims Memorandum/Recommendation.

Vincent said the item was originally discussed on March 9, 1999, when Mrs. Joseph was present. The item was tabled and returned to staff for further investigation based on a statement Mrs. Joseph made about a prior backup and that did occur on July 28, 1996, and another backup was found that Mrs. Joseph was unaware of that was on her segment of the sewer line. Vincent said the problem is that the backup that caused Mrs. Josephs damage on this occasion was four segments down and that was the first backup in that particular segment of line, which was approximately 700-800 feet down stream from her property. The backup that occurred in 1999 was severe enough that it came out the manhole just to the south of Mrs. Josephs property, prior to entering her house.

Vincent said Council also asked, if this was a payable claim, how much the staff would recommend and the amount is \$1,951.36. He said it was his contention, since the backup did occur approximately 700 feet downstream of the property and on a line that had never been identified as having had a problem before, that the City lacked notice and is not liable.

MOVED by Shanklin, SECOND by Haywood, to approve the claim in the amount of \$1,951.36 and approve a resolution.

Purcell said this seemed to be the same basic situation where Council denied a claim at the last meeting. He said he would like to approve all of the claims, but if this claim were approved, it would appear to be an inconsistent action. Shanklin said he had seen backups and that he did not know for an absolute fact that the backup occurred 700 feet away, and that was the reason for his motion.

Mayor Powell asked if anyone was here to speak and Haywood said the claimant is not present.

Purcell asked if this claim is approved, would it be permissible to bring back the claim that was denied at the last meeting. Vincent said there is a difference in this claim and Mr. Dixons claim from the last meeting; Mr. Dixon was the first backup on that particular line, but on this one, there had been two backups on the first segment that actually services the claimants house so there is a slight, technical difference between the claims. Vincent said if Council found that this backup four segments downstream from her property was significant enough, and that the other backups on her same service main, then it is conceivable that this could be a proper claim.

Mayor Powell asked if Vincent said there was sewer water flowing out of a manhole in the vicinity near the claimants house. Vincent said the manhole immediately downstream from the claimants house also overflowed. Shanklin said he thought Vincent said it was four segments away. Vincent said the blockage was four segments downstream, but it was severe enough that it actually came out of the manhole by the claimants house, almost immediately south of the house.

VOTE ON MOTION: AYE: Haywood, Sadler, Shanklin, Beller. NAY: Warren, Smith, Williams, Purcell. TIE VOTE. MAYOR VOTED AYE. MOTION CARRIED.

(Title only) Resolution No. 99-27

A resolution authorizing and directing the City Attorney to assist Roy and Pat Joseph in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand Nine Hundred Fifty-One Dollars and 36/100s (\$1,951.36).

BUSINESS ITEMS:

2. Hold a public hearing and consider an ordinance closing a portion of the east-west alleyway running through Block Six (6), McClung Addition, located in the Southeast corner of the intersection of 11th Street and Lee Boulevard. Exhibits: 300' Notification Map; Ordinance No. 99-21.

Bob Bigham, City Planner, said the application was submitted by Commercial Net Leasing Realty and representatives from the company are present. The purpose of the closure request is to accommodate a new Eckerd's Pharmacy to be located at 11th and Lee Boulevard. The alley contains utilities, which the applicant will relocate. The applicant intends to petition District Court for vacation of the easement. The Engineering Division and private utilities have concurred in this action. He said the ordinance in the packet contains an error in the legal description and a corrected ordinance had been given to the City Clerk. Staff recommended approval of the ordinance as corrected. The ordinance in the packet contains seven additional feet in the legal description, which was corrected.

Shanklin asked what would be done with the three remaining lots and their zoning. Bigham said the three lots are currently zoned R-3; Council rezoned the other lots for this development. Shanklin asked if the closure action adversely impacted the three lots. Bigham said they still have access to the alley and it would not be closed across those three lots; the sewer line and utilities will remain active to the lots.

PUBLIC HEARING OPENED.

Fred Kempf, attorney for the applicant, Commercial Net Lease Realty, said a representative of that firm is present, as well as their engineer. He said they would be glad to answer any questions.

Max Hamm, 807 NW 46th Street, said he is the owner of the three lots mentioned earlier. He said he had received blueprints of the proposed development and was unaware of what was going on before the LMAPC public hearing was held. Hamm said he did not feel he would be adversely affected by the closing of the alley, and it would stop just behind his rent houses. He said the whole square block is going commercial and he asked if Council would consider changing his three lots also to C-5 because that is the zoning assigned to the remainder of the block. Shanklin said it could not be done tonight but that Hamm could apply for the rezoning. Hamm said he was not objecting to the request and thought the development would clean up the area and everyone was excited about it.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Haywood, to approve Ordinance No. 99-21, waive reading of the ordinance, reading the title only, and declaring an emergency.

(Title read by Clerk) Ordinance No. 99-21

An ordinance closing a portion of the East-West alleyway running through Block 6, McClung Addition, located in the Southeast corner of the intersection of 11th Street and Lee Boulevard, and declaring an emergency.

VOTE ON MOTION: AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

3. Consider a resolution authorizing the installation of traffic control devices at NW 82nd Street and Quannah Parker Trailway and forward the request to the Oklahoma Department of Transportation. Exhibits: Resolution No. 99-28; Excerpt from 3/25/99 Draft Traffic Commission Minutes.

Marsha Hinds, Traffic Engineer, said many requests were received to look at safety issues at this intersection. NW 82nd Street from Lee Boulevard to U.S. 62 will be under construction in the Fall, and part of that project will include signalization of this intersection. Prior to that signalization, if flashing beacons could be installed, it might improve the safety of the area.

Warren asked how many accidents there had been over the last year. Hinds said the three-year accident record showed 21 accidents.

Purcell asked if stop signs, in addition to flashing beacons, would be needed. Hinds said it is a two-way stop now and that she did not believe it would be qualified for a four-way stop. She said that she and the ODOT field engineer reviewed the site recently and discussed other suggestions, and that the existing stop signs will be realigned and replaced with larger signs on the north/south approaches. Purcell asked if the flashing signals would be on Cache Road for east-west traffic, which may be going 65 mph, that the other traffic is to stop, but that the east-west traffic does not stop. Hinds said the purpose of the flashing beacons is to let people know there will be cross traffic. Purcell said he thought everything possible should be done and wondered if that was all that could be done.

Beller asked Hinds if she said it did not qualify for a traffic signal. Hinds said it qualifies but it will not be installed until the project is done. Beller asked if it was qualified today and Hinds said yes. Beller asked why we could not request a signal be approved by ODOT. Hinds said ODOT had agreed to put it in but that it would not be installed until January. Beller asked if ODOT would pick up the cost in January but if it is done today, it would be at the City's cost. Hinds said yes. Beller said there is a lot of concern about the safety of the intersection and the church had presented a petition, as well as people in

the subdivision, and it is a cross at your own risk situation.

Smith said the funding source is shown as none and he asked who would pay for the flashing lights. Hinds said it would come from the Electronics Division budget, and it is considered a temporary installation. She said the lights would eventually be taken down and probably used for a school zone area.

Haywood asked the cost for these lights and for the lights that ODOT will fund. Hinds said the flashing signals will be about \$1,500; the signalization will be about \$70,000.

Beller asked if there would be red flashing signals in the other direction. Hinds said no, these will look like the school zone flashing lights 500 feet prior to the intersection. Beller asked if it could be placed at the intersection. Hinds said it is better to have them in advance.

Purcell suggested adding a stop sign and having the warning lights there to inform people in advance of the stop sign being there on the east/west traffic on Cache Road, and take them down after the signalization is done. He said if people are just told that it is a dangerous intersection, they will still go through it at 65 mph, and the people trying to cross are dodging that traffic. Purcell said the cost of stop signs would be minimal.

Mayor Powell said it is very dangerous but when four-way stop signs were put up at 17th and F Avenue, there were many accidents because people are accustomed to the location of stop signs. He said the same thing may happen on the highway because people are not used to stopping on the highway, and those on the sides would cross and there could be more accidents. He said he felt the staff recommendation would work until the first of the year when the signals are put up.

Hinds said a request for four-way stops would have to be presented to ODOT because it is a state highway, and that could take quite a bit of time. Warren said that would not happen soon enough to help.

MOVED by Beller, SECOND by Sadler, to adopt Resolution No. 99-28 authorizing installation of traffic control devices at the specified location and request ODOTs approval. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-28

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

4. Consider accepting a bid proposal from Dewey L. Scoggins and Robert Scoggins, and Daisy and Roberto Fonseca, for the purchase of a one and one quarter acre tract of land located west of Cache, Oklahoma, and authorize the Mayor and City Clerk to execute the Contract for Sale of Real Property and Quit Claim Deed. Exhibits: General Location Map; Invitation to Bid Sheet; Contract for Sale of Real Property. (Bid documents on file in City Clerks Office)

Bigham said the property was acquired after a drug raid and forfeited to the City of Lawton by the Comanche County Court. The order that deeded the property to the City stipulated that the property would be transferred to the City and the proceeds would be distributed to the Lawton Police Department Special Operations Division for enforcement of controlled, dangerous drugs. The order also stipulated that the Court had to confirm this sale.

Bigham said the tract contains an 1,100 square foot house which has been severely vandalized since the Court seizure. The property was conveyed to the City by quit claim deed. Council authorized the sale of this property, it was advertised for sealed bids in accordance with the City Code, and notice was posted in public places. Notices were mailed and five bid documents were picked up in the City Clerks Office. On March 16, which was the deadline for bid submission, only one bid was received. Bid amount was \$2,551.00. The required 10% deposit was not submitted with the sealed bid, however, it was delivered to the City Clerks Office the next day. Council has the option to reject the bid as non-responsive due to the failure to submit the deposit, and direct staff to readvertise the property, or to waive that section of the bid document and award the bid as submitted. Contract for Sale has been executed by the parties. Staff recommendation is to award the bid.

Williams said there is a comment stating the record suggests the property may have a BIA restriction. He asked if we know if that is in fact true. Bigham said it is unclear because there is a dual record keeping system; records of non-Indian property are on file at the County Courthouse but all the tribal land records are at the BIA Office so there are two places with records on this property. Bigham said there are a lot of records at the Comanche County Clerks Office that do have BIA, restricted Indian deeds on them but we do not have the full abstract of both places of record. Williams asked if others might have bid on the property if that would have been known and more money received. Bigham said that is very possible.

Shanklin said the key issue states is the bid of \$2,551 a sufficient amount for the property?. He asked whose question that was. Bigham said that is a staff key issue. Shanklin asked what Bigham felt the property could sell for. Bigham said it would depend on the question of marketability and whether there are any Indian restrictions involved; if there was clean, marketable title, and the house in a good living condition, it could be \$40,000 to \$50,000, but the condition of the house is far from livable and it has been severely vandalized.

Purcell asked what one and a quarter acres would be worth without the house, and if it would be more than \$2,500. Bigham said without any restrictions, a realtor at Cache estimated the value of the land at \$7,000. Shanklin asked if water was available to the tract and Bigham said yes, it has a Cache water meter.

Warren said he used to live out there, had seen the property, and felt the City should accept the bid and give the money to the Police Department.

MOVED by Warren, SECOND by Smith, to accept the bid on the property and approve staff recommendation.

Williams said the Police Department would receive whatever funds the property could bring, whether it is now or in six weeks or in six months. He said he thought the property was worth more than what was bid by the lone bidder and suggested getting a title opinion and getting more from the property.

Warren asked the Police Chief if he would rather have this now or hope for more later. Bill Adamson, Police Chief, said \$2,500 would not help very much but that it did not matter to him. Williams said if \$10,000 or \$20,000 could be gained by the sale, it would help more than \$2,500.

Mayor Powell asked Williams if he had looked at the house. Williams said no. Mayor Powell said he would then be better informed to discuss it because he had been out there and looked at it, and there is a cloud on the title and the house is in really bad shape.

VOTE ON MOTION: AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: Williams. MOTION CARRIED.

5. Consider transferring Lots 27-32, Block 117, Lawton View Addition to the Lawton Urban Renewal Authority. Exhibits: Location Map.

Bigham said on January 26, the Council authorized the return of lots in Lawton View, except for these particular lots. Staff advertised for sale of these lots and no bids were received. Staff recommendation is to return these lots to LURA.

MOVED by Haywood, SECOND by Purcell, to transfer Lots 27-32, Block 117, Lawton View Addition to the Lawton Urban Renewal Authority. AYE: Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

6. Consider approving an amendment to the lease dated February 25, 1992, between the City of Lawton and Lawton Public Schools for the property commonly known as the Grand View Sports Complex and authorize staff to solicit bids for the installation of an irrigation system at the complex. Exhibits: Proposed Agreement.

Gary Salva, Parks & Recreation Director, said the amendment would allow the City to install a sprinkler system for the eight fields, which was included in the 1992 lease. It will also allow the School Board to maintain Fields 5, 6, 7 and 8 of the eight-field complex. The amendment will lessen the burden of upkeep on the facilities by the City and allow those efforts and dollars to be redirected to maintain other facilities.

Purcell said he saw nothing in the amendment as to who runs the concession operation and asked if that was covered. Chuck Wade, attorney for the School Board, said he would look for that provision. Beller asked if the City had awarded the concession operation to the Optimist Club. Salva said the City does not have a current contract but they are working on a renewal. Beller said Page 29 says the Board shall assume responsibility for the concession stand, and asked if that meant the Board would lease out the concession stand. Wade said he did not know.

Warren said the key issue in the agenda item is whether the School Board should be allowed to take responsibility for all of the maintenance for over half of the recreation complex. He asked if it was for half of it or all of it. Salva said the School Board is concerned with maintaining, to their standards, Fields 5, 6, 7 and 8; the City would maintain the four other fields. Salva said for Fields 5, 6, 7 and 8, the School Board would prep the fields, maintain the fences and lighting, replace the lights, pay for the lights, be responsible for any storm damage, paint the buildings, and fix cracks in the cement. Wade said the School Board wanted to bring those fields up to standard and bring the one, major girls softball field up to equal standards with the other ball fields in town with respect to the Title 9 problem. Wade said they felt the School Board could do a better job than the City had been doing and that they had plenty of people to do the maintenance.

Purcell said he thought the irrigation was needed and had been a long time coming, but that he would like to know about the concession operation. He said paragraph c says during this period the Board will assume all responsibility for maintenance of these fields, including lights, grounds, concession stands, restrooms and common area and that was why he asked the question. Wade said it was his understanding that the Board would operate the concession stand. Vincent said the purpose of the amendment was to define the Citys and the Boards responsibilities and use periods, without changing any other language in the master agreement. Wade said the master agreement did not require the Board to maintain the concession stand. Vincent said the amendment does not change anything with regard to operation of the concession stand, if it was in the master agreement. Purcell said Wade said it was not in the master agreement. Wade said the master agreement provided the City would operate the concessions during the Citys use periods and the Board would operate them during the Boards use periods. Discussion continued with regard to maintenance and operation of the concession stand.

Shanklin said there is a provision that the City will turn water on and off to the main line as requested. He asked if there would be a water meter. Vincent said no. Shanklin asked if that was a legal contract and why there would not be a water meter. Vincent said the City still has the primary lease on the property and is basically subleasing the fields back to the

School Board. Shanklin asked if all the fields would be irrigated or if it would just be Fields 5, 6, 7 and 8. Vincent said all of them, and the soccer field has already been irrigated. Salva said the fields have been watered by hand to this point.

Mayor Powell said the City would have exclusive use of all fields from the first Friday in May to July 15 each year, and that the School would have use of the fields for the rest of the time. Vincent said that is correct with regard to the four fields.

Williams said he understood Wade to say that the Schools would have operation of the concession during their time of use of the fields and that nothing in the amendment seemed to change that provision. Shanklin asked if it should be tabled until an answer can be found. Williams said he did not know how fast this needed to happen. Wade said the School is on a tight deadline to finish the irrigation system. Vincent said for the Schools to be able to meet the Title 9 deadline, they need to be in operation by August 15, and to get the irrigation in, construction should start no later than July 12 and bids will need to be advertised.

Beller asked if the \$125,000 had been identified. Vincent said no, and the City Manager had recommended using the 1995 CIP funding.

Purcell suggested it be tabled to prevent having a contract with the Optimist Club to run the concession, having them move in all of their equipment, and then find out that they may have to remove it because it would be under School Board control. Wade said the original agreement says the determination to operate the concession during school events shall be made jointly by the City and by the School Board. Wade asked that the Council could approve the amendment with the understanding that nothing is being changed with regard to operation of the concession stand, and if the School Board desires any changes in that regard, a separate request would be made to the City. Smith said the maintenance of that building would rest with the School Board.

Keith Jackson was recognized to speak. He said Grand View Park was not built in any way, shape or form for the School System to be able to comply with Title 9. Jackson said he came on the Council in 1982, and a phased approach was being used to develop McMahon Park at 38th and Lee. He said adult fields were provided at McMahon and there was a request for youth facilities because the fields at 17th and G were not adequate. Jackson said \$937,000 was identified to build a new complex for little league youth athletics through developing McMahon Park but FEMA determined that the area was in the flood plain so phases three and four could not be built at that location.

Jackson said this information was related to the McMahon Foundation, which agreed to purchase additional property if the City would pay the cost of building the project. \$937,000 was identified in a CIP to build the complex. A search was made for suitable property and Rick Strickland, a school board member at that time, suggested the school system give the property behind Eisenhower Junior and Senior High Schools to the City for this complex. Jackson said there was an additional ten acres owned by the Catholic Church that was involved. He said this is not a school complex in any way, shape or form; this is a City of Lawton complex for use by the youth; it was not built to satisfy the Schools Title 9 problem.

Jackson said the original agreement was that the far west two fields would be little league mustang size baseball fields; the next two fields would be pony size baseball fields; the four plex on the east side was to be girls softball. He said we currently have two softball fields for girls and those are the ones on the far end that were originally intended to be boys baseball fields. Jackson said he had to have a girls fast pitch softball tournament this past weekend on the adult complex at 38th and Lee because there was no complex that could accommodate it. He said if there are maintenance problems, Council should allow more part time employees during the summer to take care of the work.

Jackson said the City's youth program is losing access to the facilities, and Kiwanis Park is now owned by the School System, and the City hardly owns any fields. He said there was money in CIP for an east side park and land was acquired but nothing has been done, so he had a hard time with the Council giving away something that was intended for youth, organized athletic baseball and softball.

Jackson said he was involved with the original agreements for this complex and the original agreement was that Eisenhower Junior and Senior High Schools would be allowed to use the fields when the City was not using them; they would be allowed to use one field for practice because they had the baseball field; not meaning use for games but for practice. Also, Eisenhower Grade School was going to use some of the complex during recess or gym classes, which was all fine, but now all of the sudden, this is turning out to be the Lawton Public School Systems complex because of a sprinkler system. He said the original agreement provided that the sprinkler system would be done when the City could do it as one of the phasing projects. Jackson said the City ran out of money at \$947,000 when the complex was laid in; the following CIP contained \$750,000 for the lights, concrete padding, bleacher systems, bathrooms, and concessions. Jackson said the City has \$1.65 million invested in this complex and he asked that it not be given up because that is what the Council is talking about doing.

Wade said according to the original agreement of 1992, it is a total misstatement to say that the use of the fields by the schools is not contemplated in that agreement, specifically the 20 acres that the City was allowed the use of during a 20 year lease to build its improvements, the only consideration the Board received was to use the facilities. Wade read sections of the original agreement regarding use of the facilities and requested the control of four of the fields at this time so they could be maintained to the schools standards, and the City would still have the use of them for the youth baseball program.

Haywood asked if the facility was not built on school land. Jackson said we would have built the complex anywhere in the

City of Lawton and we were looking for a site, but a school board member called and that was the only reason the complex was placed there after all and the school system would not have been involved at all if another site would have been found. Haywood asked which CIP contained funding for this complex. Jackson said the original complex may have been from 1985 CIP and the additional \$750,000 was probably in the 1990 CIP.

Williams asked if the existing condition of the fields will meet the Title 9 requirements or how much upgrading would be needed. Salva said they meet requirements but the school wants them to be something they can be proud of and they plan to make a lot of improvements at their expense. Salva said the City's level of recreation programming will not decrease as a result of this amendment and the only thing the City is giving away is half of the maintenance cost.

Beller said he would like an answer to the question of the concession stand. Wade said it would continue as it is now. Shanklin asked who bids out the concessions and Mayor Powell said the City. Salva said it is a yearly contract and a meeting is to be held this week to see if the Optimist Club wants to renew it but there is a need to check their books and deal with some other issues.

Beller said there is a provision that a written agreement be reached on usage of the complex under certain conditions. He asked if that was the practice in the past. Wade said no. Vincent said since the Board would be putting so much money into these four fields and taking maintenance responsibility, it was felt that the Board could have some say on outside usage. Wade said the School will be maintaining the four fields and did not want their work jeopardized.

Warren asked if the original agreement states that during the period of time in which the school system maintains the fields, lights, and concessions that they have use of the concessions. Wade said as to the concessions, when the school has use of it, the determination to operate the concessions during school events shall be made jointly by the School Board and the City as to whether they would even be open or not, and for other events, it shall be within the sole discretion of the City, and that is not being changed.

MOVED by Beller, SECOND by Smith, to approve the amendment to the lease dated February 25 between City of Lawton and the Lawton Public Schools for the property commonly known as the Grandview Sports Complex, and authorize staff to solicit bids for the installation of the irrigation system, to identify the funding and include in the motion that the concession portions of the lease shall remain as they are in the original agreement.

Shanklin asked what funding source was designated. Beller said the recommendation was that it be from the 1995 CIP.

Carol Gardner, 2306 NW 72nd Street, asked if the irrigation was the only question and if the discussion involved other fields and response was no.

A gentlemen said he had participated in youth sports for many years as a sports official. He said games had to be stopped last year due to the poor condition of the fields and the concern that children could be injured as a result. He said the fields need a lot of work and that he had volunteered a lot of his time to help but that the improvements are needed, and suggested that entrance fees be increased \$2 or \$3 to pay for the irrigation system and save the City some money.

Shanklin asked Beller if the funding source designated in the motion was 1995 CIP. Baker said his recommendation is the 1995 CIP and that he had consulted with the City Attorney to insure that this was a legitimate use of those funds. Baker said this is something the City agreed to do about seven years ago and that it should have been done before now and that he could not find another funding source.

Sadler said he was on the Council when the complex was named and it was not named Eisenhower because it was not a school complex. He said the name of the complex was selected as Grand View United Sports Complex, and the name should be used properly.

Shanklin asked if the funding source was the 1995 CIP and Mayor Powell said that is the recommendation. Shanklin said he could not vote to take it out of 1995 CIP due to the projects that are for the welfare of the public in the way of broken water lines and sewer problems. Shanklin asked how much would be left in the 1995 CIP. Baker said about \$1 million unappropriated.

Warren asked why the sprinkler system is included in the amendment if it was included in the original agreement. Shanklin said to be able to find the money. Baker said negotiations had been going on and the school system wanted some assurance that the Council is going to put in the irrigation. Wade said they are looking for action on the sprinkler system, and that the Board is assuming more maintenance responsibility than under the old agreement and that offer was made in order to expedite getting the sprinkler system as quickly as possible so they could bring the level of the playing field up to an equal par with the other girls high school softball fields in Lawton.

Purcell said he would support the irrigation. Shanklin said Purcell recently disagreed with spending CIP funds for Meadowbrook improvements, and that the issue with Grand View had been talked about for a long time but it was only now being brought before Council and it appeared Council had to act on it now without being able to table it for even one meeting.

VOTE ON MOTION: AYE: Purcell, Shanklin, Beller, Smith, Williams, Sadler. NAY: Warren. ABSTAIN: Haywood. MOTION CARRIED.

7. Receive briefing from the City Attorney regarding procedures of appointment of committees desired by Council, and take appropriate action. Exhibits: None.

MOVED by Purcell, SECOND by Warren, to table this until after the executive session. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

8. Discuss City Attorneys Memorandum concerning Liability for Airport Operations. Exhibits: City Attorneys Memorandum.

Beller said this was discussed at a leasing committee meeting of the Airport Authority, and it seemed there would be some legalities involved where both entities would have to agree to the changes that Vincent has alluded to. He said tort laws seem to control the issue and Wade has informed the Authority that it is covered under the Oklahoma Tort Claims Act. He asked Vincent to explain further.

Vincent said the question of liability came up regarding use of the taxiway as an alternate runway during the reconstruction of the existing runway, and the question was whether the City had any responsibility. Under the current lease agreement between the City and the Authority, the City agreed to hold the trustees and the Authority harmless for damages due to injury of persons or property arising by reason of the operation of the trust estate. He said the particular concern is the requirement to provide insurance. The lease with the Authority was first initiated in early 1970 and at that time, there was not a Governmental Tort Claims Act, although there were certain sovereign immunities that may or may not have extended to public trusts, and this is a public trust operation. Vincent said the City of Lawton does not now have a liability insurance policy because it is self-insured, and from that standpoint, there is a need to amend the lease agreement. The Governmental Tort Claims Act extends to public trusts and sets limits of liability, so both parties should work out an amendment in this regard. Vincent said that Wade had pointed out other items in the lease that need to be taken care of, and they would try to make all the needed changes at one time.

Chuck Wade, attorney for the Airport Authority, said there is a potential inconsistency in the term of the lease that could be clarified by an amendment. He said there was discussion this morning about economic development issues that could cause a need to extend the lease beyond the time remaining. Wade said the individual trustees, as well as the Authority, had liability in 1970 that they do not have today, although the Authority still has liability but is covered by the Governmental Tort Claims Act; claims cannot be pursued against an individual trustee but the Authority provides separate insurance for its trustees. There is separate liability insurance that covers the Airport, within the limits of the Governmental Tort Claims Act. Wade said he would like to work with the City Attorney to present some proposed amendments.

Beller said there is an opportunity for economic development and the potential prospect asked what the terms of the lease might be, and when they found out it was less than 20 years, they were not as interested because they needed a 20-year lease to amortize their investment, and the lease between the City and the Authority has only 19 years remaining. He said the Authority may request a ten-year extension to the present lease and trust indenture.

Beller said he was not sure any action was needed on this item, other than to request that the attorneys prepare the proper amendment to the lease agreement. This will be done.

9. Consider renovations to the Council Chambers and designate a funding source. Exhibits: None.

Baker said he had been advised that some members suggested that renovations be made to the Council Chambers and that he was considering including funds in next years preliminary budget. He said if Council wanted this done soon, he would recommend taking funding from Council Contingency and get started, or if it could be done next year, it could be included in the preliminary budget, or if it should not be done at all, he needed to know that for budget purposes.

Williams said some work items are listed in the commentary. He asked if the amount of work listed was projected to cost \$25,000. Baker said the \$25,000 was rather arbitrary and that staff had not looked at the work in detail but had talked about modernizing, painting, doing something with the Council table, possibly new carpet, and doing something with the back wall because it is so dark. \$25,000 is a very rough estimate and the costs are not known exactly, but this is a figure to start from and hopefully the work could be done for that amount.

Smith said he felt this was an entire waste of money. He said the carpet is in good shape, the sound system is excellent, but the chairs are worn out. Smith said he felt the room was fine the way it was.

Warren said the room appeared extremely dingy when viewing it on television and it is not conducive to the public. He said he felt the stage should be lowered to a lot closer to floor level. Warren said work will be needed on the Council table anyway to accomplish some other things he hoped Council would approve at budget time as far as lap top computers. He said he thought they should move forward and brighten the place up.

Shanklin asked if someone had a plan for the work. He said he would agree with Smiths comments until someone could show him some sort of idea for the improvements.

Williams said the Council sits on a stage and it is imposing for a citizen to come forward to the podium and have to stare up at the members and try to get their information across. He said if it was humanly possible to lower the stage, it would

be a better setting for people to come forward. Williams said painting and brighter colors to modernize the Council Chambers would be good, and that he would like to have more solid numbers to look at as far as costs.

Purcell said he agreed something was needed and cost estimates needed to be firm. He said something should be built for the Council table to hide the papers and soft drink cans. The room is dark on television and the walls could be painted. Purcell said he thought something could be done for less than \$25,000. Shanklin said the City Manager could simply be instructed to have the walls painted.

Beller said he thought there would be a poor perception of the City spending money that really is not necessary to be spent at this time. He said Council would be requesting voter approval of a funding program in the next few months and it was important to be a good steward of the public funds, and the public would not perceive this as a necessary expense at this time. Beller said this was something he would like to have, but there are other things that the City must have.

Sadler said he was concerned about painting natural wood and that it would be a maintenance problem afterward. He said the walls were green before and the paint helped. Sadler said he thought there could be a problem with the conference room if the stage were lowered, and some of the suggestions could make the situation worse. Haywood said there is a definite need to replace the chairs and Sadler said that had been approved. Williams asked if the City Manager could return figures on painting, carpet or minimum items that might brighten the Chambers.

MOVED by Shanklin, SECOND by Williams, to table this until the City Manager comes back with some type of program with specific amounts. AYE: Haywood, Smith, Williams, Sadler, Shanklin. NAY: Beller, Warren, Purcell. MOTION CARRIED.

CONSENT AGENDA:

10. Consider the following damage claim recommended for denial: Rodney Moore. Exhibits: Legal Opinion/Recommendation. Action: Denial of claim.

11. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Sean Beach through Kristie Rush; Janette and Stanley Bethune; Bruce and Diana College; Amber Conner, by and through her attorney, Emmitt Tayloe; Ethel D. and Carl Harvey; Gary and Lauranette Lewellen; Levi and Olivia Lewis; Southwestern Bell Telephone; Vera and Riley Tippens; and Whataburger. Exhibits: Legal Opinions/Recommendations. (Eight resolutions on file in City Clerks Office) Action: Approval of resolutions, Tippens claim in the amount of \$399.00; Whataburger claim in the amount of \$187.50.

(Title only) Resolution No. 99-29

A Resolution authorizing and directing the City Attorney to assist **Sean R. Beach, by and through Kristie Rush** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to Confess Judgment therein in the reduced amount of Two Thousand Eight Hundred Nineteen Dollars and 18/100s (\$2,819.18).

(Title only) Resolution No. 99-30

A Resolution authorizing and directing the City Attorney to assist **Janette and Stanley Bethune** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to Confess Judgment therein in the reduced amount of Eight Hundred Sixty Dollars and 86/100s (\$860.86).

(Title only) Resolution No. 99-31

A Resolution authorizing and directing the City Attorney to assist **Bruce and Diana College** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to Confess Judgment therein in the reduced amount of Twenty Thousand Two Hundred Dollars and 00/100s (\$20,200.00).

(Title only) Resolution No. 99-32

A Resolution authorizing and directing the City Attorney to assist **Amber Conner** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to Confess Judgment therein in the reduced amount of Three Thousand Forty-One Dollars and 71/100s (\$3,041.71).

(Title only) Resolution No. 99-33

A Resolution authorizing and directing the City Attorney to assist **Ethel D. And Carl Harvey** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to Confess Judgment therein in the amount of Four Hundred Forty Dollars and 00/100s (\$440.00).

(Title only) Resolution No. 99-34

A Resolution authorizing and directing the City Attorney to assist **Gary and Lauranette Lewellen** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to Confess Judgment therein in the reduced amount of Six Hundred Forty-Eight Dollars and 06/100s (\$648.06).

(Title only) Resolution No. 99-35

A Resolution authorizing and directing the City Attorney to assist **Levi A. And Olivia M. Lewis** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to

Confess Judgment therein in the reduced amount of Three Thousand One Hundred Seventy Dollars and 53/100s (\$3,170.53).

(Title only) Resolution No. 99-36

A Resolution authorizing and directing the City Attorney to assist **Southwestern Bell Telephone Company** in filing a **Friendly Suit** in the District Court of Comanche County, Oklahoma, against The City of Lawton; and authorizing the City Attorney to Confess Judgment therein in the reduced amount of Five Hundred Three and 62/100s (\$503.62).

12. Consider a resolution authorizing the installation of traffic control devices at the specified locations. Exhibits: Resolution No. 99-37; Excerpt from 3/25/99 Draft Traffic Commission Minutes.

(Title only) Resolution No. 99-37

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Locations are: 1) Install Deaf Child warning signs along the 4600 block of Caber Circle; 2) Install Yield signs at intersection of NW 15th and Lake Avenue (yielding north/south NW 15th); 3) Install Yield signs at intersection of NW 16th and Lake Avenue (yielding east/west Lake Avenue); 4) Install Yield signs at intersection of NW 15th and Columbia Avenue (yielding east/west Columbia Avenue).

13. Consider denying a request for the installation of traffic control devices at the specified location. Exhibits: None. (See previous item). Action: Deny request for Yield sign at tee intersection of NW 14th and Lake Avenue.

14. Consider adopting a resolution setting the E-911 fee for the period July 1, 1999, through June 30, 2000. Exhibits: Resolution No. 99-38.

(Title only) Resolution No. 99-38

A resolution levying an emergency telephone notification fee, providing for a rate of such fee, and providing for an effective date.

15. Consider approving an Operating Agreement with Great Plains Improvement Foundation, Inc. (GPIF) as a Community Housing Development Organization (CHDO) for operation of the HOME Investment Partnerships (HOME) Programs Tenant-Based Rental Assistance (TBRA) Program. Exhibits: None. (Proposed Operating Agreement on file in City Clerks Office) Action: Approve the Operating Agreement with GPIF and direct the City Attorney to execute the proper documentation.

16. Consider a request from Mr. Raymond G. Schmidt and Mrs. Sherrill V. Schmidt (Borrowers), d/b/a Schlotskys Restaurant, Lawton Franchise, to amend the Loan Agreement and Promissory Note pertaining to their Small Business Revolving Loan with the City of Lawton. Exhibits: None. (Documents are on file in City Clerks Office.) Action: Approve the Amendment #1 to the Loan agreement and approve the Amendment #1 to the Promissory Note, both documents being between Sherrill V. Schmidt and Raymond G. Schmidt and the City of Lawton.

17. Consider authorizing staff to submit a Conditional Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA), for the construction of the B-1 Reservoir east of NW 67th Street. Exhibits: Project Location Map. (CLOMR Application on file in Engineering Division) Action: Approval of item.

18. Consider authorizing the Mayor and City Clerk to sign a resolution accepting the approved settlement offer from Jim Eason of GNE, L.L.C. for acquisition of right of way in the West 82nd Street Reconstruction Project. Exhibits: Resolution No. 99-39.

(Title only) Resolution No. 99-39

A resolution approving and authorizing acceptance and payment of settlement in the condemnation case styled The City of Lawton, Oklahoma vs. GNE, L.L.C., et al., Case No. CJ-99-183, in the District Court of Comanche County, Oklahoma.

19. Consider the approval of the donation of three used underground storage tanks to the Great Plains Area Vocational Technical School. Exhibits: Proposed Transfer of Ownership. Action: Approval of item.

ITEM 20 WAS CONSIDERED AS SHOWN BELOW.

21. Ratify execution of a second year application for universal service to make the Library eligible for discounted telecommunication rates and authorize the Mayor to sign any necessary contracts. Exhibits: None. (Application on file in City Clerks Office) Action: Approval of item.

22. Consider approving contract with Patterson Community Association for a Juneteenth Celebration. Exhibits: None. (Contract on file in City Clerks Office) Action: Approve contract.

23. Ratify the action of the Lawton Water Authority to enter into a Sublease Agreement between Dean W. Robbins and Michael and Malinda Hazelwood to operate a concession located at Lake Ellsworth, commonly known as Fishermans Cove. Exhibits: None. Action: Ratify LWA action.

24. Consider approving Plans and Specifications for the Fire Stations Vehicle Exhaust Ventilation Systems Project 99-2 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approval of item.

25. Consider approving Plans and Specifications for the Lake Ellsworth Pump Station Motor Control Replacement Project 99-9 and authorizing staff to advertise for bids. Exhibits: None. Action: Approval of item.

26. Consider awarding a construction contract to Davenport Backhoe Service for the Country Club Drive/Barclay Road Waterline Replacement Project 99-4. Exhibits: Bid Tabulation of 3/30/99; Location Map. Action: Award contract to Davenport Backhoe in the amount of \$48,655.00.

ITEM 27 WAS CONSIDERED AS SHOWN BELOW.

28. Consider acknowledging receipt of a permit for the construction of sewerlines from the Oklahoma State Department of Environmental Quality in Phase I of the City of Lawton Sewer Renovation Project. Exhibits: None. Action: Acknowledge receipt of permit. Background: On March 18, 1999, the City of Lawton was granted Permit No. SL000016990123 from ODEQ for construction of 8,488 lf of 8", 375 lf of 10", 1,230 lf of 15", 25 lf of 18" sewer line with appurtenances, pipe bursting of 443 lf of 6", 10,701 lf of 8" and 2,563 lf of 10", 3,096 lf of 12" and 1,006 lf of 18" sewer line in Phase 1 of City of Lawton sewer renovation project. This includes Sub-basin 204 Reconstruction and NW 75th Street Phase II Upgrade Project (Projects 99-1 SSES Open Trench and 99-2 SSES Pipeburst). A condition of the permits is that they must be noted in the minutes of the next regular Council meeting.

29. Consider awarding contract for Collection of Overdue Utility Bills. Exhibits: Recommendation; Bid Abstract. Action: Award contract to RMA (Lawton Retail Merchants Assn., Inc.)

30. Consider awarding contract for Boat, Motor, Trailer. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Stillwater Marine, Inc.

31. Consider awarding contract for 4-Wheel Drive Loader-Front End. Exhibits: Recommendation; Bid Abstract. Action: Award contract to C.L. Boyd Company, Inc.

32. Consider awarding contract for Directional Boring Machine. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Vermeer Sales Company of Oklahoma, Inc.

33. Consider awarding contract for Electro Fusion System. Exhibits: Recommendation; Bid Abstract. Action: Award contract for Items 1 and 1c to TT Technologies, Inc., Aurora, IL, and Item 1b to SECOR of Houston, TX.

34. Consider awarding contract for Combo Jet Rodder and Vacuum Debris Loader. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Baker Equipment Company, Edmond, OK.

35. Consider awarding contract for Construction Trench Shoring System. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Kirby-Smith Machinery, Oklahoma City, OK.

36. Consider awarding contract for Portable UHF Radios. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Lawton Communications, Lawton, OK.

37. Consider awarding contract for Portable VHF Radios. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Lawton Communications, Lawton, OK.

38. Consider approving the following contract extensions: A) Waste Oil Disposal with Ori Recovery, Inc. Db a Oils Recovery; B) Certified Workplace Medical Plan with WorkNet of Oklahoma; C) Pre-Sort Mail Service with Southwest Presort, Inc.; D) Claims Administration Service with Managed Health Resources and United Safety and Claims, Inc.; E) Striping Paint with Sohl Paint & Decorating; F) Youth/Adult Trophies and Plaques with Engraving Smith of Lawton; G) Adult Softball T-Shirts with T & S Printing, Inc. Exhibits: Fact Sheet. Action: Approval of contract extensions.

39. Appointments to Boards and Commissions. Exhibits: Memorandum. Human Rights & Relations Commission: Ms. Candida Sahr, Hispanic Rep., Term: 4/13/99 to 9/30/99

40. Consider approval of payroll for the period of April 5 through 18, 1999. Exhibits: None.

Williams asked for separate consideration of Item 27; Purcell asked for separate consideration of Item 20.

MOVED by Shanklin, SECOND by Smith, to approve the Consent Agenda items as recommended with the exception of Items 20 and 27. AYE: Haywood, Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

20. Consider approving an agreement with Comanche County Federal Credit Union for the placement of an Automatic Teller Machine in the lobby of the Police Station. Exhibits: Agreement.

Purcell said he had no problem with the item and asked if an ATM could be located in the lobby at City Hall also. Vincent said this would not be a full-service machine and the Credit Union will look at that after they see how it works out having one in both the Police Station lobby and at Memorial Hospital.

MOVED by Purcell, SECOND by Smith, to approve the agreement with the Comanche County Federal Credit Union for the placement of an automatic teller machine in the lobby of the Police Station. AYE: Warren, Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

27. Consider accepting the H.C. King Parking Project 98-9 as constructed by S Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: Location Map.

Williams said the project provided for five handicapped parking spaces for those who frequent the facility. He said it was money well spent, and some participants had stopped attending because they did not like walking across a somewhat busy side street, and some of them are now coming back. He said they appreciated the project very much.

MOVED by Williams, SECOND by Haywood, to accept the H.C. King Parking Project 98-9 as constructed by S Construction and place the maintenance bond into effect. AYE: Smith, Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Smith said he was showing a house to a client two weeks ago in the north central part of town, and there was a trash truck going down the road in front of them. He said the thing that impressed the client the most about Lawton was the refuse collectors not only picking up the cans but also debris on the streets and yards as they were going along.

Smith said there is a Be Kind to Animals Kids Contest for those between the ages of 6 and 13 who have done extraordinary acts of kindness for animals. He said Rose Wilson at the Animal Shelter could be contacted for more information about the contest.

Warren asked if anything had been done as far as checking on contracting out sodas or other items on City property. Baker said not yet, and the Assistant City Manager would look into that and report back to Council.

Williams expressed appreciation to the McMahon Foundation for a grant of \$279,000 to the Museum of the Great Plains for a records storage system for the artifacts, computer systems, and auditorium seating. He said the Museum had some good exhibits in place and the director would present a report in May on the first years activities under the Trust Authority.

Baker said the preliminary budget should be available in about two weeks. He said he had asked the Assistant City Manager to head up a committee to start putting together a CIP package. He said input from the Mayor and Council is welcomed regarding development of that package. Shanklin asked if the CIP would be brought for Council approval. Baker said yes, it would be brought as a recommendation.

Mayor Powell said that Parks & Recreation had built backstops up at four fields and made improvements to the concession area at the 17th and G Ballfields. He said the crews had done a good job.

Mayor Powell announced that he was in the process of appointing a task force to work on the Centennial Celebration. He also announced he was working on developing a task force regarding the National Day of Prayer on May 6, 1999, to have an event on the front lawn at City Hall, and everyone will be invited and General Baxter will be a part of it.

BUSINESS ITEMS.

41. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss settlement offers made on the West 82nd Street Reconstruction Project and more specifically, the pending lawsuits styled: The City of Lawton, Oklahoma vs. Kurt H. Schutz, et al., Case No. CJ-99-180; The City of Lawton vs. Blys Partnership, et al., Case No. CJ-99-177; The City of Lawton vs. Rita Hill, et al., Case No. CJ-99-176; and The City of Lawton vs. Ben Horton, et al., Case No. CJ-99-182, in the District Court of Comanche County, and take appropriate action in open session. Exhibits: None.

42. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1999-2000 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

43. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1999-2000 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

44 Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment of a Municipal Judge, and if appropriate, take action in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Haywood, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Williams, Sadler, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:00 p.m. and reconvened in regular, open session at approximately 9:03 p.m. with roll call reflecting all members present.

Vincent reported on Item 41, executive session was held to discuss settlement of lawsuits involving the acquisition of property on West 82nd Street. He read the suits as shown in the item title above. Settlement offers were explained and recommendation was to accept the offers and authorize the Mayor and City Clerk to sign the appropriate resolutions.

MOVED by Smith, SECOND by Haywood, to accept the offers and authorize the Mayor and City Clerk to sign the appropriate resolutions. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-40

A Resolution approving and authorizing acceptance and payment of settlement in the Condemnation Case styled The City of Lawton, Oklahoma vs Blys Partnership, et al., Case No. CJ-99-177, in the District Court of Comanche County, Oklahoma.

(Title only) Resolution No. 99-41

A Resolution approving and authorizing acceptance and payment of settlement in the Condemnation Case styled The City of Lawton, Oklahoma vs Rita Hill, et al., Case Nos. CJ-99-176 and CJ-99-181, in the District Court of Comanche County, Oklahoma.

(Title only) Resolution No. 99-42

A Resolution approving and authorizing acceptance and payment of settlement in the Condemnation Case styled **The City of Lawton, Oklahoma vs Ben Horton et al.**, Case No. CJ-99-182, in the District Court of Comanche County, Oklahoma. Vincent said executive session was held on Item 41 to discuss the potential negotiation for employment agreement with the firefighters union and no action is required. He said executive session was held on Item 42 to discuss the negotiations for an agreement with the police union and no action is required.

Vincent said on Item 44, executive session was held to discuss the appointment of a Municipal Court Judge. He recommended a motion accepting the resignation of Ken Harris effective April 14, 1999, at midnight, and the Mayor will bring back a plan for the appointment; in the mean time, Alternate Judge John Crawford will continue to serve.

MOVED by Smith, SECOND by Haywood, to accept the resignation of Ken Harris effective April 14, 1999, at midnight, and the Mayor to bring back a plan for the appointment; in the mean time, Alternate Judge John Crawford will continue to serve.

Mayor Powell presented Harris letter of resignation to the City Clerk.

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Sadler, Purcell. NAY: None. MOTION CARRIED.

Mayor Powell called for consideration of Item 7 which had been tabled earlier in the meeting.

7. Receive briefing from the City Attorney regarding procedures for appointment of committees desired by Council, and take appropriate action. Exhibits: None.

Purcell said he requested the item and would like for the City Attorney to explain the procedures for appointment of committees that the Council desires to be appointed versus advisory committees that the Mayor appoints. He said there are some differences and a need to know which ones must comply with the Open Meeting Law.

Vincent said Council powers are set out in the Charter in Section 3-4, subsection 5, which is to appoint or elect on nomination of the Mayor and remove, members of the Redistricting Commission, members of the Personnel Board, members of the Library Board, members of the Park Board, members of the Cemetery Board, members of the Planning Commission, members of the Board of Adjustment, and other quasi-judicial, quasi-legislative or advisory personnel and authorities now or when and if established, or to prescribe the method of appointing or electing and removing them provided that a member of a board, commission or other plural authority may be removed only for cause. He said the ordinance carries that one step further, and states in Chapter 2, Section 300, the Mayor and Council recognize and appreciate the importance of involving citizens in city government, to that end, the Mayor appoints and the Council confirms individuals in the community to boards and commissions to advise the Mayor and Council on certain matters affecting the community.

Vincent said there are two kinds of boards and commissions within the City; there are advisory boards to the Mayor, in which case the Mayor appoints them and they are not subject to confirmation by the Council, and they may or may not be subject to the Open Meeting Law depending on what they are discussing and how their report will be tendered to this body. If the group is discussing money, items that will cost money, items that involve spending money, or if they are proposing possible legislation, then they are required, even though it is an advisory board to the Mayor, to meet the Open Meeting Act.

Vincent said the other boards and commission are created by ordinance, such as those mentioned earlier, and other boards

may be appointed pursuant to Council directive by passing a motion to create a board to do a certain thing or provide advice on a certain project. He said in that case, the Mayor selects the persons to be nominated and those nominations come to the Council for approval. Those boards and commissions must comply with the Open Meeting Act requirements, their reports are official and there are certain guidelines which must be followed in appointing those members, with the primary guideline being that the members must reside in Lawton or Fort Sill.

Purcell said if Council wanted a group appointed, there had to be a formal motion. Vincent agreed and said there would have to be an ordinance or resolution if it was going to be an official board of the Council.

Mayor Powell said he felt this was directly aimed at the Mayor again, and he asked the City Attorney if he had done anything wrong. Vincent said not that he was aware of. Mayor Powell said he had informed Council of everything he had put together and honored all of their requests as far as appointments were concerned and had done everything within his power. Mayor Powell said he deals from the top of the table, not underneath, and would leave the Council doing the same thing. He said he had an open door policy and would visit with anyone at any time.

Ken Harris expressed his appreciation for the support he had received from this Council and previous Councils. He said the Court section had flourished and the City has a good Court and a good Court Clerks Office, and good employees that he would miss. Harris said he appreciated the Council letting him out of the notice requirement in the contract and that he was not given a lot of time to respond to the District Court position. He said he would work hard in that endeavor and that he appreciated the City's support. Mayor Powell wished Harris well in his new position.

There being no further business to consider, the meeting adjourned upon motion, second and roll call vote at 9:15 p.m.